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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,230	08/31/2001	Bernhard Durr	A 91 157/STIHL/Irv	1317

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ROBERT W. BECKER & ASSOCIATES  
707 HIGHWAY 66 EAST  
SUITE B  
TIJERAS, NM 87059

EXAMINER
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CORRIGAN, JAIME W

ART UNIT	PAPER NUMBER
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3748

DATE MAILED: 04/30/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/945,230	DURR ET AL.
	Examiner	Art Unit
	Jaime W Corrigan	3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-14 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,6 and 8 is/are rejected.
- 7) Claim(s) 7,9 and 13 is/are objected to.
- 8) Claim(s) 2-5,10-12 and 14 are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Election/Restrictions***

Applicant's election without traverse of Figures 1-6, 8 in Paper No. 8 is acknowledged. Claims 1, 6-9, 13 are readable thereon and will be examined in their full merit. Claims 2-5, 10-12, 14 are withdrawn from further consideration by the examiner, 37CFR 1.142(b), as being drawn to a non-elected invention.

The examiner would like to point out that since claim 5 depends from non-elected claim 3 it will not be examined on it's merits.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Belsanti (PN 4,653,441).

Regarding claim 1 Belsanti discloses a rocker arm (See Figure 2 (28)) that is mountable on a cylinder head (See Figure 2 (10)) and is pivotable about a pivot axis that extends transverse (See Column 2 Lines 29-45) to the rocker arm; a control unit

(See Figure 2 (26)) that acts upon a first end of said rocker arm for actuating a poppet valve (See Figure 2 (12)) having a valve stem upon which a second end of said rocker arm acts; a support pin (See Figure 2 (34)) that is connectable to a cylinder head (See Column 2 Lines 46-63), wherein said rocker arm is held on said support pin between said first and second ends (See Figure 2 (28), (34)) of said rocker arm; a bolt head (See Figure 2 (48)) disposed on said support pin on a side of said rocker arm remote from a cylinder head, wherein said bolt head serves for adjusting a bearing spacing between said rocker arm and a cylinder head for varying valve play (See Column 3 Lines 19-29); and a rotation preventing element (See Figure 2 (34), (36), Column 2 Lines 46-67, Column 3 Lines 1-18) that cooperates with said bolt head, wherein said rotation preventing element (See Figure 2 (28), (34)) is provided with an arresting portion (See Figure 2 (Top portion of 34)) that engages said bolt head (See Figure 2 (48)), and a support portion that conveys an adjustment moment away (See Column 2 Lines 46-67, Column 3 Lines 1-18).

Regarding claim 6 Belsanti discloses said support pin is non-rotatably fixed in said cylinder head (See Figure 2 (34), (10)), and wherein said bolt head is a nut that is threaded onto a shaft of said support pin (See Figure 2 (48), Column 3 Lines 19-29).

Regarding claim 8 Belsanti discloses said rotation preventing element is effective between said longitudinal walls of said rocker arm (See Figures 1-2, (22), (24), (28), (48), Column 2 Lines 46-67, Column 3 Lines 1-18).

***Allowable Subject Matter***

Claims 7, 9, 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mueller (PN 4,256,070), Nouno (PN 4,676,203), Grinsteiner (PN 4,934,323) discloses similar rotation prevention devices.

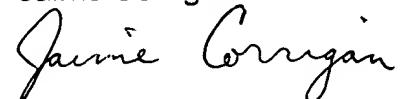
Any inquiry concerning this communication from the examiner should be directed to Examiner Jaime Corrigan whose telephone number is (703) 308-2639. The examiner can normally be reached on Monday - Friday from 8:30 a.m. – 6:00 p.m. 2<sup>nd</sup> Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion, can be reached on (703) 308-2623. The fax number for this group is (703) 308-7763.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

JC

Jaime Corrigan



Application/Control Number: 09/945,230  
Art Unit: 3748

Page 5

Patent Examiner

April 25, 2003

Art Unit 3748



THOMAS DENION  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700